COVINGTON & BURLING

CONFIDENTIAL

October 7, 1982

To: Messrs. Greer
Henson
Holtzman
Pepples
Stevens
Witt

Re: Meeting with HHS Assistant Secretary Brandt

This afternoon Horace Kornegay and I met with Assistant Secretary Brandt, Dr. Luoto of the Clearinghouse on Smoking and Health, and Richard Riseberg, the HHS attorney who has been involved in our discussions on ingredients. The meeting lasted slightly less than half an hour. The salient points were the following:

1. Horace said that we had assembled, and were prepared to show to the HHS designee, a list of the ingredients used by three or more companies and also those used in large quantities, even though by fewer than three companies. Horace did not define "large quantities," but at the time the list is shown to the HHS designee I will make it clear that it means annual usage of 100,000 pounds or more.

2. Dr. Brandt will call tomorrow to inform us of the HHS designee or designees who will have access to the list. According to the June agreement with HHS, designees are not to exceed two in number. It is just about certain that Dr. Luoto will be one designee, with the possibility that Dr. Brandt himself might be the other designee. The designee and I will then determine a mutually convenient date for access to the list at the Covington & Burling offices; this could be as early as sometime next week.

3. Dr. Brandt again brought up the subject of requesting the cigarette companies to furnish testing or other scientific material on some of the ingredients on the list. He said that it was his understanding of our earlier conversations that HHS could request such information but that we had not assured them that the companies would make it available. Horace repeated the views he expressed at earlier meetings, stating that we hoped and expected that many of the ingredients on the list would present no problems

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for them. If they had additional questions with respect to some ingredients, we would be glad to pass on requests for information. This was satisfactory to Dr. Brandt, who simply added that if HHS could not find information on particular ingredients he thought it made sense to ask the companies for the testing and other materials they had available "rather than go out and do studies."

4. I emphasized that the companies continued to place great emphasis on maintaining confidentiality and that a number of them had sent me the recent newspaper articles on the EPA slip-up in disclosing a Monsanto trade secret. I also mentioned 18 U.S.C. § 1905, which makes disclosure of confidential information by Government employees a crime punishable by fine or imprisonment, and said, in light vein, that we would not like to see Dr. Luoto end up in jail. All the HHS representatives seemed to comprehend our insistence on confidentiality and to understand that it was of great importance to us that it be maintained.

Stanley L. Temko

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